

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

_____	)	
EMBLEMHEALTH, INC.	)	
HEALTH INSURANCE PLAN OF	)	
GREATER NEW YORK, INC. ET AL,	)	
	)	
Plaintiff,	)	Case No. 19-1164
	)	
v.	)	Judge Campbell-Smith
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	
_____	)	

**JOINT STATUS REPORT**

Pursuant to the Court’s July 5, 2023 order (ECF No. 28), the parties respectfully submit this Joint Status Report.

This case is currently stayed because the Government is working with a number of cost-sharing reduction (CSR) plaintiffs to determine whether they may efficiently resolve this matter without further litigation or at least streamline these cases.

As stated in the parties’ previous joint status report, counsel for the Government and the other CSR Plaintiffs have continued to engage in productive settlement negotiations regarding this and other cost-sharing reduction (CSR) cases currently pending before this Court. Those parties most recently exchanged letters on September 7 and September 19. In light of those communications, the Government and the other CSR Plaintiffs believe that they have reached a tentative agreement in principle on a methodology by which the parties can settle some of these CSR cases. This methodology must, however, be approved by officials at both the Department of Health and Human Services and the Department of Justice. In addition, the parties will need to gather relevant data from plaintiff-insurers from past benefit years in order to calculate whether damages may be owed to a given insurer for a given year. The Centers for Medicare

and Medicaid Services is currently preparing a process for plaintiff-insurers to submit relevant CSR data. Once that data is gathered and analyzed, the plaintiffs in this case will have the option of participating in the proposed settlement process or continuing instead with litigation.

Both the approval process and data gathering and analysis will take time. We thus expect, pursuant to the Court's July 5, 2023 order, to file another joint status report in 60 days to update the Court regarding the status of the settlement process in this case.

Respectfully submitted,

s/ Edward J. Meehan  
Edward J. Meehan, Esq.  
Tamara S. Killion, Esq.  
Ryan C. Temme, Esq.  
1701 Pennsylvania Ave., N.W.  
Washington, DC 20006  
P: (202) 857-0620  
F: (202) 659-4503  
E: emeehan@groom.com  
E: tkillion@groom.com

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY  
Director

s/ Claudia Burke  
CLAUDIA BURKE  
Deputy Director

s/ Albert S. Iarossi  
ALBERT S. IAROSSO  
Assistant Director  
Commercial Litigation Branch  
Civil Division  
U.S. Department of Justice  
P.O. Box 480  
Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 616-3755  
Email: Albert.S.Iarossi@usdoj.gov

OF COUNSEL:

DAVID M. KERR  
Senior Trial Counsel  
Civil Division  
U.S. Department of Justice

Counsel for Defendant

September 29, 2023